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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

(1) REAL PROPERTY AND  
IMPROVEMENTS LOCATED AT 1069  
CANYON CREEK TERRACE, FREMONT,  
CALIFORNIA, AND  
(2) \$223,883.61 WHICH ARE THE NET  
PROCEEDS FROM THE SALE OF 9900  
LONGVIEW LANE, PLEASANTON,  
CALIFORNIA,  
Defendants.

No. C 05-2414 CW

STIPULATION AND ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE

The parties agree, subject to the Court's approval, that (1) the instant civil forfeiture case be stayed pending resolution of the related criminal case in district court pursuant to 18 U.S.C. § 981(g)(1) and (2); and (2) that the case management conference currently scheduled in this civil case for January 23, 2006 at 2:30 p.m. be taken off calendar.<sup>1</sup>

On June 30, 2005, this Court concluded that the instant case is related to a pending criminal case. *See* Order Relating Cases, filed June 30, 2005; *see also* *United States v. Mirza*

<sup>1</sup> An independent reason for taking the case management conference off calendar is that the undersigned AUSA and counsel, J. Christopher Hall, who represents two claimants in this civil case, are both unavailable on January 23, 2005.

1 *Ali, et al.*, No. 02-40081 CW (Superseding Indictment returned March 10, 2005). As  
2 background, on March 10, 2005, a federal grand jury for the Northern District of California  
3 charged in a superseding indictment, Mirza Ali, a/k/a Zulfigar Eqbal, Sameena Ali, a/k/a  
4 Sameena Eqbal, a/k/a Sameena Iqbal, Keith Griffin, and William Glushenko with a number of  
5 criminal violations: 18 U.S.C. § 371 – Conspiracy; 18 U.S.C. § 1341 – Mail Fraud; 18 U.S.C. §  
6 1343 – Wire Fraud; 18 U.S.C. § 1956(h) – Conspiracy to Launder Money; 18 U.S.C.  
7 § 1956(a)(1)(A)(i) – Money Laundering (Promotion); 18 U.S.C. § 1956(a)(1)(B)(i) – Money  
8 Laundering (Concealment); 18 U.S.C. § 1956(a)(2)(B)(i) – Money Laundering (Exportation);  
9 18 U.S.C. § 2 – aiding and abetting; and 18 U.S.C. § 982 – Criminal Forfeiture. The criminal  
10 forfeiture allegations in the superseding indictment name, *inter alia*, two parcels of real property:  
11 1069 Canyon Creek Terrace, Fremont, California, and 9900 Longview Lane, Pleasanton,  
12 California. *See United States v. Mirza Ali, et al.*, No. 02-40081 CW (Superseding Indictment  
13 returned March 10, 2005).

14 On June 15, 2005, plaintiff United States filed the above captioned civil forfeiture action,  
15 naming as defendants 1069 Canyon Creek Terrace, Fremont, California (“Defendant Canyon  
16 Creek Parcel”), and the proceeds from the interlocutory sale in the criminal action of 9900  
17 Longview Lane, Pleasanton, California (“Longview Lane Parcel”). *See United States v. Mirza*  
18 *Ali, et al.*, No. 02-40081 CW, Stipulation for Withdrawal of Pendency of Action (Lis Pendens)  
19 and Disposition of funds from Property, and Order, filed August 28, 2002. The civil forfeiture  
20 action is based on allegations that the funds used to purchase both Defendant Canyon Creek  
21 Parcel and the Longview Lane Parcel can be traced back to the proceeds of wire fraud, as can the  
22 proceeds of the interlocutory sale of the Longview Lane Parcel which resulted in the  
23 establishment of Defendant Funds in American Title Company Escrow No. 752101.

24 Because of the relationship of this civil to the pending criminal case which is scheduled  
25 for trial on February 13, 2006, the parties agree that until further order of the Court that the  
26 instant case should be stayed and that the case management conference currently scheduled for  
27 January 23, 2005 at 2:30 p.m. be taken off calendar.  
28

Nothing in this Stipulation shall affect Washington Mutual's right to initiate foreclosure proceedings and to foreclose on the Canyon Creek Parcel, and all of such rights under the subject loan documents and applicable law are expressly reserved. Counsel for Washington Mutual agrees to file a notice with the Court of foreclosure proceedings against Canyon Creek Parcel if it comes to his attention that foreclosure proceedings have been initiated.

IT IS SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

Dated: January \_\_, 2006

PATRICIA J. KENNEY  
Assistant United States Attorney  
Attorney for the United States

Dated: January \_\_, 2006

KRISTIAN D. WHITTEN  
Office of the Attorney General  
455 Golden Gate Avenue, Suite 11000  
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Attorney for the Calif. Franchise Tax Board

Dated: January \_\_, 2006

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PRESTON GATES & ELLIS LLP

Dated: January \_\_, 2006

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Irvine, CA 92614-8559  
Attorneys for Microsoft

Dated: January \_\_, 2006

J. CHRISTOPHER HALL  
Attorney for Wajahat Ali  
And Zulfiqar Eqbal

PURSUANT TO THE FOREGOING STIPULATION, IT IS ORDERED ON THIS 9TH OF JANUARY, 2006 **that the CMC is continued to 4/28/06 at 1:30 p.m.**



HONORABLE CLAUDIA WILKEN

United States District Judge

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Stip & Order Staying Case  
C 05-2414 CW